



Docket No.: TEI-0128
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Katsumi Ebisawa et al.

Application No.: 10/674,414

Confirmation No.: N/A

Filed: October 1, 2003

Art Unit: N/A

For: ARTIFICIAL CARTILAGE

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith on Form PTO-1449 or PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO-1449 or PTO/SB/08 be returned in accordance with MPEP §609.

- ☒ A copy of each listed document is being submitted to comply with the provisions of 37 CFR §§1.97 and 1.98.
- ☐ As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously cited by or submitted to the Patent Office in parent application Serial No. _____, filed _____.
- ☐ A copy of each listed document, that was cited in the International Search Report or International Preliminary Examination Report attached hereto, should have been provided to the U.S. Patent and Trademark Office by the WIPO, and the provisions of 37 CFR §§1.97 and 1.98 should have been complied with.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

- ☒ 1. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits in the present application. **No fee is required.** If, however, a first Office Action on the merits is issued, **no fee is required** in view of the statement below (37 C.F.R. §1.97(b)).
- ☐ a. Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☒ b. No item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2). The Certification under 37 CFR §1.97(e)(2) is attached hereto.

The Patent Office is **NOT AUTHORIZED** to charge deposit account 18-0013 in the amount of \$180.00 under 37 CFR §§ 1.97(d)(2) and 1.17(p). However, **ONLY IF** a notice of allowance under 37 CFR §1.311 or an action that otherwise closes prosecution in the application has been mailed prior to filing of this Information Disclosure Statement, the Patent Office is authorized to charge \$180.00 under 37 CFR §§ 1.97(d)(2) and 1.17(p) in view of the statement above under 37 CFR §1.97(e). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 18-0013 as needed to ensure consideration of the disclosed information.

- ☒ 2. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 18-0013 as needed to ensure consideration of the disclosed information.

Respectfully submitted,

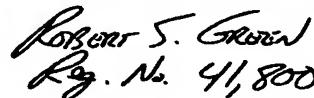
Date: January 27, 2004



Lee Cheng

Registration No. 40,949

Rader, Fishman & Grauer PLLC
1233 20th Street, N.W.,
Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751



Reg. No. 41,800



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/674,414-Conf. #5142
				Filing Date	October 1, 2003
				First Named Inventor	Katsumi Ebisawa
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	TEI-0128

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-4,530,360	07-23-1985	Luiz Duarte	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	WO-98/32333-A1	07-30-1998	Osiris Therapeutics, Inc.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Hangody et al, "Treatment of Osteochondritis Dissecans of teh Talus: Use of the Mosaicplasty Technique-A Preliminary Report" Foot & Ankle International Vol. 18, No. 10, pages 628-634 (October 1997)	
	CB	M. Brittberg et al, " Treatment of Deep Cartilage Defects in the Knee with Autologous Chondrocyte Transplantation" The New England Journal of Medicine, Vol 331, Number 14 pages 889-895 Massachusettes Medical Society (October 1994).	
	CC	Javad Parvizi et al, " Low-Intensity Ultrasound Stimulates Proteoglycan Synthesis in Rat Chondrocytes by Increasing Aggrecan Gene Expression" Journal of Orthopaedic Research, Vol. 17, No.4 pages 488-494, Orthopaedic Research Society (1999)	
	CD	T. Nishikori et al, " Effects of low-intensity pulsed ultrasound on proliferation and chondroitin sulfate synthesis of cultured chondrocytes embedded in Atelocollagen gel" Journal of Biomedical Materials Research, Vol.59, No.2, pages 201-206 (February 2002).	
	CE	James D. Heckman et al, " Acceleration of Tibial Fracture-Healing by Non-Invasive, Low-Intensity Pulsed Ultrasound" Journal of Bone and Joint Surgery, Vol. 76-A, No. 1 (January 1994)	
	CF	Thomas K. Kristiansen et al, " Accelerated Healing of Distal Radial Fractures with the Use of Specific, Low-Intensity Ultrasound" Journal of Bone and Joint Surgery, Vol. 79-A, No. 7, pages 961-973 (July 1997).	
	CG	Mark F. Pittenger et al, " Multilineage Potential of Adult Human Mesenchymal Stem Cells" Science Magazine, Vol. 284 pages 143-147 (April 1999).	
	CH	Kunihiko Okada et al, " Bone Differentiation Inducing Effect on Mesenchymal Stem Cells of Human Bone Marrow by Cellular Stretch Stimulus" The Fourth Annual Meeting of the Japanese Society for Tissue Engineering Program and Abstract ,p.52 (July 2001)	x

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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